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Atty. Dkt. No. 072827-1905

JC879 U.S. PTO  
09/990405  
11/21/01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Alan Mueller, et al.  
Title: METHODS AND  
COMPOUNDS FOR TREATING  
DEPRESSION AND OTHER  
DISORDERS

Prior Appl. No.: PCT/US99/15857

Prior Appl. Filing Date: July 12, 1999

Examiner: To Be Assigned

Art Unit: To Be Assigned

<b>CERTIFICATE OF EXPRESS MAILING</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, Washington, D.C. 20231.	
<b>EL 796240772 US</b>	
(Express Mail Label Number)	(Date of Deposit)
<u>Sandra A'Costa</u>	
(Printed Name)	
<u>Sandra A'Costa</u>	
(Signature)	

**CONTINUING PATENT APPLICATION**  
**TRANSMITTAL LETTER**

Commissioner for Patents  
Box PATENT APPLICATION  
Washington, D.C. 20231

Sir:

Transmitted herewith for filing under 37 C.F.R. § 1.53(b) is a:

Continuation     Division     Continuation-In-Part (CIP)

of the above-identified copending prior application in which no patenting, abandonment, or termination of proceedings has occurred. Priority to the above-identified prior application is hereby claimed under 35 U.S.C. § 120 for this continuing application. The entire disclosure of the above-identified prior application is considered as being part of the disclosure of the accompanying continuing application and is hereby incorporated by reference therein.

Applicant claims small entity status under 37 CFR 1.27.

Enclosed are:

Specification, Claim(s), and Abstract (86 pages).

- Petition For Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)
- Revocation and Power of Attorney
- Check in the amount of \$605.00 for Petition Fee
- Informal drawings (0 sheets)
- Declaration and Power of Attorney (\_\_\_\_ pages).
- Assignment of the invention to NPS Pharmaceuticals, Inc..
- Assignment Recordation Cover Sheet.
- Small Entity statement.
- Request for application not to be published with certification under 35 USC 122(b)(2)(B)(i).
- Information Disclosure Statement.
- Form PTO-1449 with copies of \_\_\_\_ listed reference(s).
- Preliminary Amendment.
- Application Data Sheet (37 CFR 1.76).

The filing fee is calculated below:

	Claims as Filed	Included in Basic Fee	Extra Claims	Rate	Fee Totals
Basic Fee				\$740.00	\$740.00
Total Claims:	18	- 20	= 0	x \$18.00	= \$0.00
Independents:	7	- 3	= 4	x \$84.00	= \$336.00
If any Multiple Dependent Claim(s) present:				+ \$280.00	= \$0.00
				SUBTOTAL:	= \$1076.00
<input checked="" type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):					= \$538.00
				TOTAL FILING FEE:	= \$538.00

- A check in the amount of \$538.00 to cover the filing fee is enclosed.
- The required filing fees are not enclosed but will be submitted in response to the Notice to File Missing Parts of Application.
- The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 21 November 2001

By Wesley B. Ames

FOLEY & LARDNER  
Customer Number: 23620



ATENT TRADEMARK OFFICE

Telephone: (858) 847-6714  
Facsimile: (858) 792-6773

Wesley B. Ames  
Attorney for Applicant  
Registration No. 40,893

**PETITION FOR REVIVAL OF AN INTERNATIONAL  
APPLICATION FOR PATENT DESIGNATING THE U.S.  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

**072827-1905**First Named Inventor: **MUELLER, Alan**International (PCT) Application No. **PCT/US99/15857** U.S. Application No. **Unknown**

(if known)

Int'l Filing Date: **12 July 1999**Title: **METHODS AND COMPOUNDS FOR TREATING DEPRESSION AND OTHER DISORDERS**

Attention: PCT Legal Staff  
Box PCT  
Assistant Commissioner for Patents  
Washington, DC 20231

The above identified application became unintentionally abandoned prior to the filing of an application under 35 U.S.C. § 111. Applicant hereby petitions for the revival of the above-captioned application under 37 C.F.R. § 1.137(b).

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee - required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

**1. Petition Fee**

- Small entity - fee \$ 605 (37 CFR 1.17(m))  
 Small entity statement enclosed herewith  
 Small entity statement previously filed  
 Other than small entity - fee \$1,210 (37 CFR 1.17(m))

11/26/2001 SSITHIB1 00000048 500872 09990405  
01 FC:241 35.00 CH 605.00 QP

**2. Proper Reply**

- A. The proper reply (the missing 35 U.S.C. 371(c) requirements) in the form of:

the national filing fee; copy of the published international PCT application; copy of the international search report, copy of the international preliminary examination report + cited references; copy of the written opinion (identify type of reply):

- has been filed previously on \_\_\_\_\_  
 is enclosed herewith.

- B. A Continuing Patent Application Under 37 C.F.R. § 1.53(b) is enclosed herewith.

**3. Terminal disclaimer with disclaimer fee**

Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$55.00 for a small entity or \$110.00 for other than a small entity) equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

**4. Revocation and Power of Attorney**

- A Revocation and Power of Attorney is enclosed.

**4. Statement**

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Dated: 21 November 2001



Wesley B. Ames, Reg. No. 40,893  
Agent for Applicant  
FOLEY & LARDNER  
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+1-858-847-6700 Office  
+1-858-792-6773 Fax

Enclosures:  Fee Payment  
 Reply  
 Terminal Disclaimer Form  
 Small Entity Status Form

**PATENT COOPERATION TREATY****REVOCATION AND POWER OF ATTORNEY**

The undersigned applicants hereby revoke all previous powers of attorney and appoint, individually and collectively,

**FOLEY & LARDNER**

and

Wesley B. Ames	Reg. No. 40,893
Stephen A. Bent	Reg. No. 29,768
Lei Fang	Reg. No. 44,676
Andrew Edward Granston	Reg. No. 38,473
Bernard L. Kleinke	Reg. No. 22,123
Stephen E. Reiter	Reg. No. 31,192
Richard M. San Pietro	Reg. No. 45,071
Stacy L. Taylor	Reg. No. 34,842
Richard J. Warburg	Reg. No. 32,327
Arthur A. Wellman, Jr.	Reg. No. 47,174
Michael A. Whittaker	Reg. No. 46,230
Barry S. Wilson	Reg. No. 39,431

attorneys-at-law at P.O. Box 80278 (11250 El Camino Real, Suite 200), San Diego, California 92138-0278, telephone +1-858-847-6700, facsimile +1-858-792-6773, to represent the undersigned before all the competent International Authorities in connection with the international application identified below:

Title of invention: METHODS AND COMPOUNDS FOR TREATING DEPRESSION AND OTHER DISORDERS

International App. No. PCT/US99/15857

Int'l Filing Date: 12 July 1999

Priority Date: 13 July 1998

Agent's file reference: 072827-1901 (previously E1184PCT)

Name: James U. Jensen  
Title: Vice President, Corp. Dev. & Legal Affairs  
NPS PHARMACEUTICALS, INC.

Alan Z Marshall

Alan MUELLER

Nov 8, 2001

Date:

SEE ATTACHED PAGE

Scott MOE

Date:

Mansel F. Balandrin

---

**Manuel BALANDRIN**

11-12-2001.

Date

PCT/US/15857

Alan MUELLER

Scot T. MOE

Scot MOE

Date:

11-8-01

Date:

Manuel BALANDRIN

Date